IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Bail Appl..No. 7483 of 2006()

CR No.152/06 of Karthikappally Excise Range

: PETITIONER/ACCUSED 1 AND 2:

---

1. LUCY, W/O.RAJU, RAJU BHAVANAM,
PARIMANAM MURI, CHEPPAD VILLAGE.

2. RAJU @ RAJU STEPHEN,
S/O.STEPHEN, RAJU BHAVANAM,
PARIMANAM MURI, CHEPPAD VILLAGE.

BY ADV. SRI.M.R.ARUN KUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

Bail Application NO.7483 of 2006

- - - - - - - - - - - - - - - - - -

Dated this the 20th day of December, 2006

O R D E R

Petitioners, who are wife and husband and accused Nos. 1 and 2 in C.R.No.152 of 2006 of Karthikappally Excise Range for an offence punishable under Section 55(a)(i) of the Abkari act for allegedly having been found in joint possession of 3.8 liters of IMFL on 23.11.2006 in their house, seek anticipatory bail.

2. In the case of the second petitioner, who is the husband of the first petitioner, the learned Public Prosecutor submitted that he is an accused in an earlier crime, C.R.No.79 of 2005 of Karthikappally Excise Range for the same offence for allegedly having been found in possession of 7.870 liters of IMFL. But in the case of the first petitioner, just because she happens to be the wife of the second petitioner and was present in the house, it cannot be stated that she was in conscious possession of the contraband IMFL. Hence, I am inclined to grant anticipatory bail to the first petitioner. Accordingly, a direction is issued to the Investigating Officer to release the first petitioner on bail for a period of one month in the event of her arrest

in connection with the above crime on the first petitioner executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. The first petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

2. The first petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

3. The first petitioner shall not commit any offence while on bail.

If the first petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This application is allowed in part granting anticipatory bail to the first petitioner but declining anticipatory bail to the second petitioner.

V.RAMKUMAR,
JUDGE.

ess 20/12